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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PROBATION OFFICE**

**Report on Offender Under Supervision**

Offender: Jesus Silva-Cruz

Docket Number: 07 CR 577-01 (LAP)

Sentencing Judicial Officer: Honorable Loretta A. Preska, U.S. District Court Judge

Date of Original Sentence: May 26, 2004 (D/Neb)

Original Offense: Possession with Intent to Distribute Cocaine 21 USC 841(a)(1). Class B Felony.

Original Sentence: Twenty and one-half (20 1/2) months custody, and three (3) years of supervision.

Type of Supervision: Supervised Release Date Supervision Commenced: February 6, 2006

**NON-COMPLIANCE STATUS UPDATE**

As the Court was previously made aware, on August 23, 2007, Silva-Cruz was brought before the Court to address non-compliance regarding the use of cocaine, and his failure to comply with drug testing and out-patient treatment.

Without accepting a plea to the violation, the Court ordered that Silva-Cruz enter a long term residential program, for the minimum of one (1) year, and adjourned proceedings until February 5, 2008, at which time his progress would be assessed.

Due to the very limited amount of long-term inpatient drug treatment programs that provide services to the Spanish speaking population, the defendant's inability to speak English, and the lack of resources in the New York City area, an inpatient placement was not able to be located easily. The USPO maintained close supervision of Silva-Cruz while a program was sought.

Eventually, with the assistance of the District of New Jersey, we were able to locate a program in Newark, New Jersey called CURA that could address Silva-Cruz's specific needs. The offender was admitted into the aforementioned program on November 5, 2007.

On January 28, 2008, in an effort to allow this USPO an opportunity to assess the offender's adjustment to residential treatment, a request was forwarded to the Court to have the February 5, 2008, status conference adjourned until a date in May 2008. The Court granted our request and adjourned the status conference to May 7, 2008.

**SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS**

Silva-Cruz was initially compliant with the rules and regulations of CURA. This USPO maintained correspondence with Silva-Cruz's counselor, Edwin Cruz, to keep abreast of the offender's compliance with treatment.

On March 5, 2008, this officer was notified that Silva-Cruz's was found to be fraternizing with another resident in violation of program policy.

Upon being confronted with by his counselor, Silva-Cruz became very angry and loud with the program's staff. Silva, who has been diagnosed to have anger control issues, was subsequently contacted by this officer in attempt to address his behavior.

The offender was cautioned that his propensity to react in a volatile manor would result in a discharge from the program. Specifically, Silva-Cruz was informed that his over- reaction to being confronted regarding his non-compliance was the primary concern to the staff at CURA, not the initial rules infraction.

On April 17, 2008, this officer was notified by staff, that after being given one more chance to comply with treatment at CURA, Silva-Cruz left treatment against clinical advice on April 16, 2008.

Pursuant to a non-compliance letter received from CURA, "Mr. Silva was acting very disrespectful towards staff member Edwin Cruz, by demanding in a loud tone of voice, to know why his pass was denied. Again in a loud voice, he told staff that he did not want to hear any stories regarding his pass being denied because he was going out on pass no matter what anyone said. Staff attempted to calm him down, but he continued speaking loud and started to swing his arms around while demanding his money."

Despite attempts to dissuade him from leaving treatment, Silva-Cruz left treatment that day against clinical advice.

The aforementioned letter is attached.

**RECOMMENDATION AND JUSTIFICATION**

On August 23, 2007, the Court ordered Silva-Cruz to enter into a long term residential program to address non-compliance regarding his use of cocaine, and his failure to comply with drug testing and out-patient treatment. Despite being afforded the opportunity to ameliorate his supervision standing, Silva-Cruz has continued his non-compliance.

Based on the above-mentioned behavioral issues and his refusal to comply with treatment, we respectfully recommend that the pending specifications before the Court be re-visited on May 7, 2008, to address the offender's pervasive non-compliance with the conditions of supervised release.

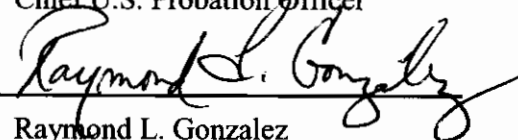
Should any new non-compliance issues arise before that date, the Court will be notified for immediate action.

Should there be any questions regarding this request, this officer may be contacted at 212 805-5124. If the Court grants our request, this memorandum will be disclosed to the defendant, defense counsel and the Assistant U.S. Attorney, unless Your Honor directs otherwise.

Respectfully submitted,

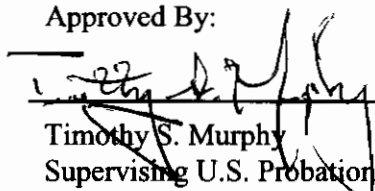
Chris J. Stanton  
Chief U.S. Probation Officer

by



Raymond L. Gonzalez  
U.S. Probation Officer  
(212) 805-5124

Approved By:



Timothy S. Murphy  
Supervising U.S. Probation Officer

Date 4/23/08

(212) 805-0035

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PROBATION OFFICE**

*Judicial Response*

- ☐ Court approves U.S. Probation Officer's recommendation and schedules the next Court date for

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

or

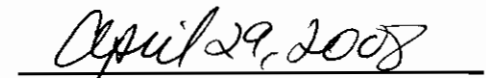
The Court Orders::

- ☒ Appearance by all parties on May 7, 2008 at 9am.

- ☐ Other \_\_\_\_\_



Signature of Judicial Officer



Date